

Constraint without Coercion: Indirect Repression of Environmental Protest in

Malaysia

Abstract How can we begin to understand “repression” when a soft authoritarian regime like Malaysia tolerates and hinders environmental contention all at once? I argue, addressing state-imposed constraints – a form of indirect repression – is one such point of departure. Beneath the veneer of tolerance, repression still exists in subtler forms. Such unobserved constraints emerge mainly through non-coercive bureaucratic processes and procedures undertaken by state agents. Its aggregated effect may not defeat a movement; it nevertheless elevates the overall cost of collective action by circumscribing movement forms and options, and demobilizing resources and supporters. This perspective goes beyond the conventional attention on coercion, the shows and uses of force, in non-democracies. Based primarily on activist accounts related to the Broga anti-incinerator campaign and the Kuantan anti-rare earth plant protests in Malaysia, this article demonstrates how constraints are perceived, experienced, and responded to by activists. I point to four prominent ways in which they indirectly undermine those campaigns: ostentatious surveillance, judicial channeling, occupational repression, and administrative constraints. Intended or otherwise, constraints seem less costly than coercion and help absolve political

rulers of direct culpability. Besides completing the picture of repressive patterns under authoritarianism in Malaysia, the focus on constraints of this article suggests that for non-political contention, the authoritarian state bears an ambivalence that is otherwise absent for political mobilization.

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In 2012, more than 15,000 Malaysians protested on the streets against a rare earth refinery plant; at one point, some even occupied *Dataran Merdeka*, the national public square. Years before that, albeit smaller in scale, a local resistance against a waste incinerator in Broga succeeded without enduring much coercion. That they could take place openly suggests a restrained regime willing to tolerate environmental protests. Yet, ground-level observations belie such tolerance. Campaigners consistently related countless state interferences that were demobilizing and demoralizing.

To fully understand this admixture of tolerance and repression calls for addressing state-imposed *constraints*, a form of *indirect repression*.¹ Despite relatively low levels of coercion, repression still exists in subtler forms. Emerging mainly through non-coercive bureaucratic processes and procedures undertaken by state agents, these constraints should be taken seriously for their *indirect effects* on the cost of popular mobilization.

Studies on the state-based repression of Malaysian environmental groups and civil society at large have mostly focused on the overt and crude, ranging from police intimidation and arrests, threats of deregistration of organizations, to limits on media access.² The repressive landscape's subtler and unobserved forms have been less recognized. The reason for this has perhaps been proffered by James Scott when he

comments that the *invisibility* of “everyday forms of resistance” means that even when they are noticed, they are rarely presumed to be politically significant.³ This article points out that they are indeed significant, and not in the least for environmental protests.

My approach then departs from conventional scholarship on “repression” in non-democracies that has typically revolved around the guns, tanks, and tear gas – or what is simply known as “coercion”. As a form of “direct” or “hard” repression, it involves “shows and/or uses of force and other forms of standard police and military action (e.g., intimidation and direct violence).”⁴ Though the decisive impact of coercion upon protest dynamics has been well-studied in social movement literature,⁵ that of constraints remain under-explored.⁶ Therefore, this article aims to examine these constraints as commonly confronted by environmental protesters. It builds on the growing recognition that authoritarian states possess a “softer” and sophisticated side, deploying instead non-coercive, or more indirect, strategies against citizens in state-society conflicts.⁷

To achieve its analytical goals, I rely centrally on activist accounts. Not unlike the task of police sketch artists, I am able to reconstruct the face of unobserved constraints through subjective societal perceptions, rather than concrete state impositions. Only activists could tell us about their overall encounters with disparate

state actors and how their actions have undermined their struggles. This enables us to see a facet of “the state from below”, shedding light on state power as *experienced*, rather than as *intended* by state actors.⁸

In what follows, I first describe the coercive context within which constraints operate and then the broader background of environmental movements in Malaysia. I then detail the two aforementioned environmental campaigns, particularly their experiences and responses to the evolving state-based constraints. Despite successfully circumventing and subverting some of them, the cost of mobilization escalated in consequence. Finally, I discuss the nature and significance of constraints as illustrated by the cases, and their recurrence in other authoritarian contexts, before concluding on the research implications for authoritarian repression. In that vein, this article contributes an important puzzle piece that completes the picture of contemporary authoritarianism.

Malaysia’s bloodless repression?

As an exemplar of “soft authoritarian regime”,⁹ Malaysia has been ruled by political coalitions led by the United Malays National Organisation (UMNO) since independence. First the Alliance, then the National Front (*Barisan Nasional*, BN). To sustain the regime, it has resorted to “legal coercion”, a form of coercion under which

the law is instrumentalized for political control.¹⁰ This includes recourse to “emergency powers, sedition acts, detention orders, and restrictions upon assembly and communication.”¹¹ Operating more or less “within the bounds of legality,” it is relatively free from direct violence.¹²

Boosted by draconian laws and security apparatus dating to the Malayan Emergency period,¹³ new legislative initiatives inhibiting movements and liberties continue cropping up. The now-rescinded Internal Security Act (ISA) had for decades permitted detention without trial of individuals deemed by the government as a “security threat”. In fact, the 1987 mass ISA detentions of mostly opposition politicians and social activists did not spare environmental activists.¹⁴ New preventive detention laws, such as the Security Offences (Special Measures) Act 2012 (Sosma) and the Prevention of Terrorism Act 2015, have since replaced the ISA. Notoriously, for lodging complaints against the state-owned investment firm, *1Malaysia Development Berhad* (1MDB), an UMNO dissident and his lawyer were charged under Sosma of attempted sabotaging of the country’s financial and banking system.¹⁵ Enacted during the Emergency, the Sedition Act has been restored as a regime tool to intimidate critics. A local human rights non-governmental organization (NGO) reports that the number of people investigated, charged, and convicted under the Act totalled 220 in 2015 – a quintuple spike from 2014.¹⁶

Other legislations coalesce in various permutations to douse political activism, from prohibiting university students' political participation to compelling NGO registration with the state. Enforcing the deterrent effect of these coercive laws is the bureaucratic institutions, such as the police and judiciary, which have been wholly manipulated by political rulers.¹⁷ The police have been known for their sometimes disproportionate response towards public protests, culminating in arrests, beatings, and indiscriminate use of water cannons and tear gas.

This article then studies instances of indirect repression stemming from non-coercive state (in)actions that tolerate but manage dissent. To be sure, coercion is not peripheral in deterring environmental activism. But compared to constraints, coercion is more sporadic, and contingent on the gravity of "transgression".

The Malaysian Environmental Movement¹⁸

The Malaysian environmental movement emerged in the late 1960s and early 70s, pioneered by a few urban-based environmental NGOs (ENGOS) such as Consumers' Association of Penang (CAP), Friends of the Earth Malaysia (SAM), the Environmental Protection Society of Malaysia, the Malaysian Nature Society, and the Worldwide Fund for Nature Malaysia. Whereas the latter two are more conservationist and lobbying-oriented, the former three are more vociferous but

smaller in membership size. In the 80s and 90s, as the state's high-growth developmentalist drive was increasingly linked to environmental devastation, these ENGOs went into full swing, campaigning against logging, dams, and redevelopment projects. By the twenty-first century, new ENGOs joined few of these older organizations in setting up an independent network called Malaysian Environmental NGOs (MENGO). While the state has been hostile to ENGOs objecting to development projects, it has manifested readiness in embracing the environmentalist discourse. It is mostly supportive of public education activities by ENGOs, and would invite them for consultation. In return, MENGO has indicated one of its goals is collaborating with the government in sustainable development policies. Indeed, some organizations believe in "working from the inside".¹⁹

Whereas ENGOs have gained government acceptance in recent years, reactive grassroots environmental resistance has not. Coloured by NIMBY (not-in-my-backyard) attributes and frequently allying with opposition politicians, such campaigns may not even be regarded positively by certain ENGOs. Except for vocal ENGOs like CAP and SAM, and human rights NGOs like Suaram and the Centre for Independent Journalism, protesters from my cases reported little concrete support from other ENGOs. NGOs that were involved helped with capacity building and transnational networking of these campaigns. For instance, due to its long

involvement against incinerators, CAP supplied information and facilitated transnational linkage with foreign scientists and NGOs for the Broga campaign.²⁰

The Cases

My two in-depth case studies are the 2011-2014 protest against a rare earth plant called Lynas Advanced Materials Plant (LAMP) in Gebeng Industrial Estate, the state of Pahang; and the 2002-2007 campaign against a planned waste-to-energy incinerator in Broga, the state of Selangor. They were led and organized by mainly locals with ENGOs playing at best a supporting role and targeted the state – perhaps more so than the multinational corporations. Though they occurred at different political periods, activists shared remarkably similar experiences of state-imposed constraints, attesting to the endurance and consistency of constraints as an indirect repressive strategy.

The evidence is based on secondary sources and personal interviews with campaign leaders/supporters, politicians, and academics from 12 January to 27 March 2015. Depending on informants' preference, interviews were conducted in English, Malay, Mandarin Chinese, Cantonese, and occasionally a mix of those languages/dialects. To cross-check, I compare accounts by different informants within the same case, between two different cases, or with media reports. Though state

actors' counter-narrative is generally lacking, where it is available through media statements, it disputes not the occurrence of specific constraints, but only the purposiveness or malevolence behind them.

Broga Anti-incinerator Campaign

In late 2002, the government decided to relocate a planned 1,500-tonne waste incinerator to Broga, a Chinese-majority village, after deeming its original site as unsuitable. Ebara-Hartasuma, a Japanese-Malaysian consortium, was tasked to construct this \$425 million incinerator. The site was situated around two kilometres away from Broga, and a new suburban housing area named *Taman Tasik Semenyih* (TTS) in Semenyih town. TTS symbolized a multiethnic locus of middle-class educated professionals whose backgrounds included academicians, engineers, corporate managers, civil servants, and the like. Many worked in nearby industrial and university towns like Kajang and Bangi, or about forty kilometres away in Kuala Lumpur. This contrasted with the Broga farming community that had resided there for generations. Worried about the dioxin emissions from the incinerator, as well as possible water and air pollution, these different communities joined forces under the *Broga/Semenyih No Incinerator Pro-tem Action Committee* (BSNIPAC), which also included representatives from other neighbouring villages and towns.

BSNIPAC contested the siting on three counts: the permissible distance between the incinerator and the communities, its proximity to a water catchment area, and its location on a slope that was more than 25% gradient. BSNIPAC also leafleted to foster awareness about the project. They collected signatures, sent memorandums and letters to petition the government. Moreover, peaceful demonstrations took place sporadically, attracting about 2000 people to one such rally at TTS.

BSNIPAC benefited from the fortuitous concentration of experts and insiders in TTS. Engineers, university lecturers, and geologists identified scientific arguments against the incinerator. Government insiders found official planning and development documents indicating the incompatibility of the area for incinerators. Additionally, people “close” to BN updated campaigners about the government’s movements, enabling them to plan ahead. With CAP’s help, they contacted NGOs overseas, such as Greenpeace Japan and Global Alliance for Incinerator Alternatives (GAIA). Through such connection, they invited international experts to speak about the dangers of dioxins at a private college in Kajang.²¹

Campaigners reported no physical threats from the police, even at public assemblies that were technically illegal (though they at least informed the police in advance). The police usually let them say a few words, before finally dispersing them and telling them “enough, enough! (*sudahlah, sudahlah!*)”. What they found

disquieting was the covert police activities against them. During some of the meetings at a private home, they noticed police cars driving by the house. As one remarked, “we knew they were watching [us].”²² The Special Branch (SB) made their presence felt.²³ They emerged in “suspicious car[s]”, called up an activist at work, and attended their public meetings.²⁴ Nonetheless, campaigners believed they solicited their sympathies, as one of them recounted:

“Everywhere we went we would see [the SB officer]. Even he supported us. It is because [he saw] we never said who was right or wrong ... we only said this [project] was wrong!”²⁵

Many in TTS chose to lie low, mostly because of their awkward position as government employees. One person from the residents’ association, who would rise politically to become a local council leader, refrained from attaching his name to the campaign. He still attended the meetings and “was happy to let [others] take the fight”. Some refused to sign the petition, fearing they would “become a target”. But they were willing to contribute financially to the campaign because they stayed “invisible” this way. By contrast, Liew, for example, was encouraged by the security of his private sector employment to participate openly.²⁶

Key BSNIPAC members had been affected by occupational pressures. One leader, who was with a government-linked corporation, commented: “I was never

worried about safety... [except for the possible] negative impact on my career.”

Throughout the campaign, he tried to stay in the background until a newspaper photo of him at a campaign activity alerted his colleagues about his activism. He was told, “it was not good for the company”. His subsequent abrupt posting to overseas aroused strong suspicions that it was linked to this. Another leader, a lecturer at a private university managed by a government-linked corporation, resigned within a year. He then quietly moved out of TTS, apparently having found the fears of unemployment unbearable.²⁷

BSNIPAC had a hard time trying to meet decision-makers from different government departments. When they got to meet them, it was “one-way traffic” which merely preached about the benefits of the project.²⁸ When the community was involved as part of the detailed environmental impact assessment (dEIA) process, they “felt very ‘talked down to’.”²⁹ Even when the dEIA report was not completed yet, the government took out full-page advertisements in major dailies about the necessity of incinerators, convincing the campaigners of the government’s determination in pushing ahead. At this juncture, GAIA coordinated a global petition calling on the prime ministers of Malaysia and Japan to halt the project.³⁰

Frustrated by the government’s unresponsiveness and the mainstream media blackout over the issue, the Broga subcommittee decided to bring a lawsuit by

November 2003. On behalf of 450 villagers, Alice Lee from the subcommittee sought a court declaration demanding that the government divulge certain project details.

Unlike Lee who was born and raised in Broga, the legal standing of TTS residents was not as firm, since they only recently moved into the area. The challenge of finding willing litigants in TTS also complicated this. As one Broga leader explained, “[m]any [in TTS] are academicians and high-ranking government officers. They had to look for six willing plaintiffs working in the private sector...”³¹ Furthermore, a few TTS figures by this time were undergoing personal problems with their careers.

Therefore, from 2004 onwards, TTS lost the campaign initiative to the Broga subcommittee that was led by a PAS³² local leader.

On the day they filed the case, nearly one hundred Broga villagers and opposition party supporters turned up at court. It was believed the SB’s intelligence reports assured the anti-riot force there that the crowd was no threat. Protesters then faced multiple court postponements, largely because the government attorneys dragged their feet on responses, so much so that it even infuriated the judge.³³ After over a year since the suit was filed, a hearing had yet to be scheduled.³⁴ In February 2005, the judge ordered an interim stay order against the project, inspiring campaigners’ confidence in the judge’s impartiality.

As the campaign moved into the legal arena, the government became more unresponsive, on account that the court was already processing the dispute. Any further gestures and actions from the protesters were deemed unnecessary, or even unruly. As one observed, “[the government] could [now] turn to you and say, ‘it is already being dealt with in court, [so] why resist?’”³⁵ Citing the *sub judice* clause,³⁶ policymakers rejected demands to respond, appropriating the legal status of the environmental dispute as a shield against public assaults. For example, a Deputy Minister deflected a backbencher’s parliamentary questions about the incinerator, citing “sub judice”. Parliamentarians only circumvented this through posing general yet pertinent questions on “waste management”.³⁷

Fortunately, during this period, a few amateur film-makers from Kuala Lumpur shot a short documentary about this issue, keeping the campaign alive in the public consciousness. When residents celebrated the end of their five-year struggle in July 2007, it was not because of a favourable court decision. Rather, the government decided to cancel the project, reportedly due to its high maintenance costs, rendering the case moot.³⁸

Kuantan Anti-Lynas Campaign

Referring to a group of seventeen chemical elements in the periodic table, rare earths are needed for electric cars, wind turbines, and smart phones. Located about 30km away from Kuantan, Pahang's state capital, LAMP is a \$230 million Australian-owned plant. It refines rare earth ores extracted and shipped from Australia, which contain thorium that is slightly radioactive. Before the plant commenced construction in 2009, public opposition emerged mainly from nearby Malay-majority rural areas of Gebeng and Balok. Led by a local PAS leader, it dissipated when the project was thought to be suspended in 2010. Locals then discovered in 2011 that LAMP had quietly restarted construction.³⁹

After realizing that "radioactive" materials were to be processed in their backyard, Kuantan residents opposed the plant, drawing comparison with the experience of the Fukushima nuclear meltdown that had happened weeks prior. With the support of their opposition member of parliament, Fuziah Salleh, they formed *Save Malaysia Stop Lynas* (SMSL) in March 2011. Its middle-class members included lawyers, accountants, businesspersons, and former civil servants.

SMSL brought busloads of supporters to Kuala Lumpur to meet the Prime Minister and the Australian High Commissioner. Though they failed to meet the former, it engendered publicity about the issue. A few committee members travelled to Australia, networking with environmental activists and Green Party politicians. To

hurt shareholders' confidence in the project, they pulled off publicity stunts outside the Lynas headquarters in Sydney. Having bought its shares, it entitled one of them to attend and voice out at the annual general meeting. Besides running a petition drive and events to fuel public awareness, SMSL invited experienced activists for assistance. Among them were Wong Tack, who just led a successful environmental resistance in the Sabah state, and activists who once opposed a Japanese rare earth extraction facility in the Perak state that was closed down in 1992.

A few other local protest organizations also surfaced. The Balok-based protest group re-emerged as Anti-Rare Earth Refinery Action Group (*Badan Bertindak Anti Rare Earth Refinery*, BADAR). In September, through Fuziah Salleh's initiative, a coalition of political parties and NGOs called Stop Lynas Coalition (SLC) was formalized. An open gathering in Kuantan publicized as "Green Assembly" (*Himpunan Hijau*, HH) attracted about 5000 to 7000 participants in October. Co-organized by SMSL members and Wong Tack, it set the foundation for subsequent mass rallies, and an offshoot group also named HH. All groups stressed the possible health risks and called into question the absence of a radioactive waste disposal plan for LAMP.

The contrasting approaches of the two most visible anti-Lynas organizations, Wong Tack-led HH and SMSL, could be summed up as "going to the streets" versus

“negotiation with the authorities”.⁴⁰ In 2012, whereas HH supporters walked over 250km from Kuantan to Kuala Lumpur, occupied *Dataran Merdeka*, and attempted to blockade the shipment of rare earth ores at the Kuantan port, SMSL members filed judicial reviews against the Atomic Energy Licensing Board (AELB), the regulatory agency for LAMP. They obtained information and support from environmental and social activists, engineers, scientists, and academicians based in Kuala Lumpur and overseas. Owing to the geographical distance from Kuantan and their limited capacity, CAP and its sister organizations could not play a more active role, as they did for Broga.⁴¹

Campaigners had sensed occupational pressures. The BADAR leader told of “government officers”, whose superiors “threatened” them, when their faces appeared in the newspapers, or when their anti-Lynas car stickers were spotted.⁴² Indeed, civil servants were publicly “advised” against attending campaign events.⁴³ Anticipating threats over their livelihoods, some in SMSL confined themselves to roles in which they remained away from the limelight, cautiously ensuring that they avoided media attention. One commented, “I would always stand at the back [whenever there was a photo-shoot of us].”⁴⁴ Those whose professional license is issued by government ministries, such as medical practitioners, had constant concerns about government reactions over their activism.⁴⁵ Nevertheless, SMSL acknowledged astounding

anonymous financial support from local businesspeople, many of whom were members of BN or government-friendly cultural associations.

Not everyone felt these pressures though. Technical advisors for these groups, including a public university academic and an engineer based in Kuala Lumpur, reported no “pressures” concerning their involvement.⁴⁶ A contractor, whose clients include private businesses from beyond Kuantan, had fewer qualms than his peers about joining SMSL.⁴⁷ Another campaign supporter remarked:

[As an insurance agent,] I do not need to be in the [government’s] good graces [*kan tamen lianse*, literally “see their facial colours”]. Our business does not constrain us ... [In a worst case scenario,] I can change my clients.”⁴⁸

Initially, SMSL were transparent regarding their financial records. After the Registrar of Companies gave them trouble over their accounts, the treasurer kept them known to only trusted committee members.⁴⁹ Protesters too realized they were monitored and trailed by the SB.⁵⁰ After their strategies seemed to have been anticipated and pre-empted, SMSL began discussing them behind closed doors.⁵¹

In January 2012, the AELB facilitated public access to the Radiological Impact Assessment (RIA) report on LAMP with several restrictions in place: merely one copy was available for eleven weekdays from 9am to 4pm in each of the four locations (only one was in Kuantan, despite the keen interest there); each reader had

an hour of access, and could not take pictures or photocopy it. The deadline for public feedback was incidentally scheduled three days after the conclusion of the viewing period, and three days before Chinese New Year – when Chinese families would typically be busily preparing for the celebration. Protesters thought the timing was intended to undercut local Chinese participation, since they were the fiercest resisters. As the over-two-hundred-page report was packed with technical jargon, the brief time allowed to submit feedback led SMSL to complain to AELB, which then dropped the one-hour reading rule and added one copy at the Kuantan location.⁵² SMSL enlisted volunteers to manually copy the report, before transcribing the handwritten notes into soft copies – all done before the deadline.⁵³ An AELB spokesperson explained that the restrictions were due to those imposed by Lynas. They subsequently extended the viewing period and added more copies: five sets became available on weekends as well for another week.⁵⁴

For the first HH rally, organizers sought permission from the Kuantan City Council (*Majlis Perbandaran Kuantan*, MPK) to hold it at a local park. MPK initially offered clearance but revoked the permit to make way for a National Service⁵⁵ event. National Service trainees occupied the area amid heavy police presence on that day. One organizer complained, “they dismantled our stage, and pitched tents with no one inside and blared music on loudspeakers.”⁵⁶ The second edition was the first public

assembly held under the *Peaceful Assembly Act* (PAA). Passed in late 2011, the PAA forbids police prevention of an assembly if the police have received a ten-day advance notice.⁵⁷ However, policing tactics, such as roadblocks and checking participants' identity cards, could still discourage prospective participants. Though the HH rally proceeded relatively unimpeded, there were some initial problems with securing the location. HH requested an open field (MPK1) as the venue but MPK offered a different field instead only two days before the event. Whereas MPK1 was geographically strategic, owing to its proximity to state buildings, the offered venue was further away from the city centre. Incidentally, MPK1 was fenced off to accommodate renovations for a July sports competition, which MPK denied was to thwart HH.⁵⁸ Small wonder then that SMSL often hosted their open meetings and events at private premises or public spaces free of MPK's harassment.

SMSL and SLC applied for separate judicial reviews over the issuance of Lynas' operating license in 2012. As SLC would discover, to be considered worthy of acceptance at court, they must exhaust all internal remedies before filing their case. Notwithstanding the merits of their case, the High Court threw it out, ruling that other internal channels were already being invoked to review the decision, and as such, the court "should hesitate to interfere."⁵⁹ By contrast, the court accepted SMSL's applications because they managed to show they had appealed to an appropriate

authority. However, affidavits had been submitted and resubmitted in response to respondents' counter-affidavits for the subsequent three years. Pending the finalization of these affidavits, an open hearing had yet to be confirmed as of this writing.⁶⁰ One remarked, "People think we are not doing anything. We are just waiting for the court to fix the hearing date," implicitly admitting to a widespread perception about the demobilization of SMSL.⁶¹ Lynas, in turn, sued SMSL for defamation but later dropped the suit.

By 2013, that LAMP had entered production became a hot electoral issue. Voters rejected BN in four out of five Kuantan state constituencies for the first time in history. In June 2014, HH wanted to blockade the LAMP building, in defiance of an injunction against approaching within its 20m radius. When they ignored the dispersal order, the police arrested Wong Tack and fifteen others and allegedly assaulted a few of them. Those who gathered around the police station to protest the arrests were attacked by thugs.⁶² The arrestees were charged with illegal assembly and rioting, but had been released on bail. They were due to appear in court in March 2015, only to be suddenly informed that the hearing had been cancelled until further notice. Such uncertainty surrounding court dates continued to demoralize these activists.⁶³

Taking Constraints Seriously

Undoubtedly, coercion remains a credible threat to environmental campaigns, as the fate of HH arrestees testified. On balance though, police action has shown restraint towards these protests, *despite* bearing formidable coercive arsenal. Interviewees emphasized that police rarely “disrupt” (*kacau*) their activities. The modus operandi of the police is perhaps well captured in a video documenting a 2009 demonstration against the use of cyanide at a gold mine. Though the police threatened of arrests, they also assumed the role of a “good cop”, pleading for protesters’ cooperation. Notwithstanding police efforts, the demonstration went ahead and ended peacefully.⁶⁴ Similarly, in an ongoing campaign against a planned incinerator in Kepong, when protesters marched to the national parliament to submit a memorandum, the police facilitated their journey.⁶⁵

Through peering beneath the veneer of tolerance, and analyzing campaigners’ experiences, we see that repression still exists in the form of constraints. Constraints could selectively affect mobilized persons or campaign actions. The effect either takes hold in a short term through discrete and one-off actions, or over a longer term through continuous and protracted efforts. For discrete instances, their individual repressive effects may seem insignificant, when considered in isolation with one another. But once their effects are agglomerated, the duress generated cannot be underestimated. The continuous kind, in contrast, plays the long game. It either works

its spell on individuals through accumulated fears and frustration, or renders particular options untenable for a long period of time. In that vein, it constrains a movement throughout its lifecycle, patterning its activities and routine. If one were to view constraints through a financial lens, one could imagine it as creating pockets of resource leakages for movement entrepreneurs, accumulated over the long run or across multiple portfolios. In contrast to coercion that aims to bankrupt the “business” in one shot, it slowly saps the vigour of a movement, unless entrepreneurs produce countermeasures that plug or compensate for the “leakages”.

Participants’ perceptions above highlight a more complex perspective of state repression – one in which multiple authoritarian institutions are at work to bind their action. Thus, I organize the roster of constraints they encountered based on the perceived effects and its institutional basis in Table 1. It is by no means exhaustive, but it demonstrates which aspect of a movement is vulnerable to which constraints and bureaucrats and how so. Owing to space limits, I focus only on bureaucratic aggressors at “the trenches” – officials executing directly state directives.⁶⁶ They undertake channeling, which entails negative sanctions that “affect the forms of protest available, the timing of protests, and/or flows of resources to movements.”⁶⁷ Put differently, channeling curtails the ease with which a prescribed action could be taken, elevating the cost of collective action. Including the SB in the discussion

underlines that the deployment of constraints is not exclusive to the non-coercive apparatus of the state.

Next, I discuss each of these constraints and briefly point to their similar applications against “new” social activism, such as queer and environmental mobilization, in other authoritarian contexts. I look specifically at Singapore – another soft authoritarian regime – and China, known for its contingent tolerance over environmental activism.

Ostentatious surveillance

Pivotal in vanquishing the communist insurgency during the Emergency, the SB is a security surveillance organization established by the British colonialists and maintained by the current government to guard against subversive elements.⁶⁸ It is autonomous from the Criminal Investigation Department, and its Director, as the top three most senior police high commander, enjoys direct access to the Prime Minister concerning security intelligence. Even if it operates on professionalism and nonpolitical grounds, “understanding...the difference between a political and a security threat,” it is obliged to carry out orders from their “political masters”.⁶⁹ For instance, a former ISA detainee recalled that SB officers attempted to persuade or

coerce detainees into implicating certain political leaders as communists, presumably under the Home Minister's directions.⁷⁰

Key protest figures in Broga and Kuantan found themselves being monitored by police authorities, particularly the SB. The presence of SB officers reminded them they were being closely watched. It forced them to reconsider their options over matters such as place of meetings and campaign actions. Ostentatious surveillance thus curbs “both physical and tactical space,” neutralizing possible realms of autonomous discourse and action.⁷¹ Surveillance then is more than a covert information-gathering device to facilitate coercion against movements⁷² – it is an indirect repressive strategy in its own right.⁷³

Activists elsewhere are familiar with ostentatious surveillance. Singaporean gay activists had noticed undercover police surveillance,⁷⁴ and an environmental protester in China reported his colleague's experience of being overtly shadowed by the police.⁷⁵ Even in democratic Ireland, “innocent” committee meetings for a commemorative event about the Easter uprising were monitored by SB officers in unmarked cars.⁷⁶

However, many activists thought the police were simply “following orders”, and that some even showed personal sympathies. Whether sympathies were feigned or not, it was likely critical to their information-gathering mission, because they could

make activists “open up” by “winning [their] confidence”.⁷⁷ When activists were asked to volunteer information to the SB, they complied. More than out of fear, cooperating with them proved themselves to be “good citizens” fighting for a just, non-political cause. Nevertheless, they had to adjust their behaviours in the presence of this power authority. Referring to HH members’ arrests as a cautionary tale, SMSL members reiterated the importance of refraining from provocative actions and being respectful to the police.⁷⁸ With a hint of pride, they pointed out that all their activities ended peacefully with no police arrests ever made. Therefore, ostentatious surveillance precludes certain strategic options and enforces a certain normative public behaviour upon a campaign.

Judicial channeling

Malaysia’s authoritarian courts are infamous for its subordination to the political rulers, demonstrated through various questionable conduct and decisions by judges *during open hearings*.⁷⁹ I focus here on constraints foisted upon environmental campaigns *before and outside of such hearings*. Judicial channeling operates precisely when activists engage legal options.⁸⁰ In Broga and Kuantan, its repressive effects loomed beyond the courts, affecting a campaign during the tenure of the litigation that could span years. By acceding to judicial engagement, the state could regard certain

campaign actions as “inappropriate”. Moreover, it has the net potential of dissipating the campaign’s momentum.

The eventuality of resorting to litigation forced activists to keep a paper trail of their approach to relevant authorities. They consumed tremendous time and efforts in writing or speaking to politicians or bureaucrats, who could be rather unresponsive. This results in a form of channeling incurring not only costs on non-participation in formal structures of conflict resolution,⁸¹ but also further costs by compelling participation in a non-level playing field, which is the formal channels. As McAdam argues, “‘proper channels’ afford [political elites] the means to monitor and control any substantive threat to their interests...without recourse to more costly control strategies (i.e., violence)...”⁸² Indeed, judicial channels have indirectly served elite interests, as state actors seize “sub judice” as a basis for silence, turning more unresponsive to activists’ pleas.

When a dispute goes to trial, it could court and prolong media and public attention. Even the mainstream media that normally underreports or avoids such issues could begin covering it in earnest.⁸³ Yet, there is much temporal uncertainty with hearings. The process from filing to trial can be lengthy, sometimes taking years. Without a day in court, there is little chance to mobilize public support and sustain media coverage of the issue. In Broga and Kuantan, defendants and their attorneys

were able to repeatedly delay hearings. Until their trial commences, HH activists charged with rioting would have to report monthly to the police, as per their bail conditions. Such uncertainty and delays could cast the dispute away from public view indefinitely, eroding public interest and activists' morale.

Given these pre-trial costs, small wonder then to activists, “the process is the punishment”.⁸⁴ It is not dissimilar to Singapore, in which judicial channeling, such as the use of “sub judice” to silence public discussion and the “manipulation of court calendars” to punish dissidents, is common.⁸⁵ The normative restraints and procedural expectations embedded in the legal process, as well as its temporal uncertainty, could subtly constrain campaign actions. The judicial process could therefore be indirectly repressive without any direct mobilization of coercive laws.

Occupational repression

“The dull compulsion of economic relations”⁸⁶ attained renewed relevance through “occupational repression” during the campaigns. Different activists perceived or anticipated occupational pressures exerted by their employers or their professional license regulators. In fear of losing their job or professional license, they either reduced their overt activism or completely desisted from participation. Sympathetic government-affiliated supporters hardly dared to showcase support publicly, thus not

responding well to rallies, petition, and litigation. By contrast, businesspeople and professionals found greater freedom and willingness for activism. Some still lessened their public exposure, maintaining a margin of deniability about their actual activism. Even if financial resources and technical assistance remained forthcoming, tactics exhibiting public support invariably suffered.

The salience of occupational threat corresponds to the extent of the state's influence over individuals' careers. Civil servants and employees of government-linked corporations are most vulnerable to occupational repression, followed by segments of the businesspeople and professionals. Insofar as their businesses or professions require administrative approvals or political links, they are exposed to risks of occupation repression. However, as some campaigner accounts suggest, if their work has little dealings with government services and regulations, or if their work base is not localized, the threat of occupational repression is likely weak. Such hierarchy of societal dependence on the state in China has similarly enabled local authorities to influence public employees and local entrepreneurs better than private sector workers and ordinary citizens.⁸⁷

As if to evince the power of occupation repression, even SB officers had been behind it by attempting to contact activists at work. If the employers became aware of this, they might reprimand the activists for putting the company at risk, issue stern

warnings, or worse, dismiss them.⁸⁸ Since it repeated elsewhere, there is reason to surmise this is a deliberate tactic.⁸⁹ By the same token, in Singapore, cause lawyering is “masked”, as lawyers dread “state-initiated disciplinary actions [that] culminate in penalties that prevent primary breadwinners from making their living.”⁹⁰

Occupational repression thus leads mobilized people to self-police their campaign involvement, affecting people who may own vital resources – time, money, expertise, or physical presence.

Administrative constraints

As activists navigate the state’s bureaucratic layers, they encounter “administrative constraints”, which comprise of unreasonable administrative demands or restrictions over their application for fair access to information, place, and assistance. Activists’ experiences show how administrative staff closely guarded their jurisdictions, appearing passive, unresponsive, or aggressively constraining. Local councils, whose leaders are appointed by state governments, could relocate an event or cancel its permission according to their whims. Bureaucratic regulators of the disputed projects were seen as evasive, condescending, and unresponsive. This is problematic since they control the access to information needed for thorough scrutiny. Instead, activists had to rely on “back channels” of information through government

insiders. Singaporean gay activists have also faced administrative constraints when, for example, the National Parks Board utilized its “tenuous” authority to prohibit Pink Picnic at the Botanic Gardens.⁹¹

When they happen under purported coincidences, it helps obfuscate blame attribution. Whether it is bureaucratic fumbling or purposeful constraining, it is perhaps consistent with the broader administrative behaviour towards political threats. For instance, although periodic elections have been held without fail, the Electoral Commission has interfered with the nitty-gritty details that have significant implications, from the brief campaigning period, to silence over unfair campaign practices and gerrymandering.⁹² Administrative constraints thus reactively fiddle with the implementation details, denying activists a level playing field but not eliminating a political space altogether. Similar to the political opposition, despite playing in a game rigged against them, it is possible for activists to win some gains, but not without incurring unnecessary costs in terms of time, resources, and morale.

Constraint, a State Strategy?

On one hand, authoritarian leaders evidently perceived these movements as not threatening enough to warrant an order for a harsh crackdown. On the other, former and current bureaucrats have explained that their refusal to expand or entertain certain

public dialogues in the past was because they wanted to pre-empt political oppositionists' manipulation or to manage public consultation.⁹³ In other words, as the state recognized the political implications of these protests, it did not wish to encourage or facilitate them. Hence, it is perhaps this ambivalence, coupled with the absence of political threat, which pulled repression out of the zone of coercion into that of constraints.

Without discussions with more state officials, it is difficult to confidently ascribe state intent behind these constraints. Regardless, they have the advantage of obviating certain expected costs of coercion, especially the risks of provoking societal backlashes and unwanted international attention. More importantly, political rulers avoid direct culpability in these acts of indirect repression. For instance, MPK's constraints over HH gatherings persisted, even though the Prime Minister and the Pahang chief minister publicly agreed to let them take place.⁹⁴ On whether civil servants could join the rally, while the Pahang chief minister claimed it was up to their departmental heads, the top civil servant of the state "advised" against their participation.⁹⁵ Even low-level bureaucrats, from the SB to the local councils, repudiated accusations of bearing sinister intentions, framing their actions instead as routine behaviour.

Intended or otherwise, the buffet of state-imposed constraints is central to the activists' lived experiences. Their campaigns have indirectly suffered, because the flow of potential and existing resources has been obstructed, or its actions have lost their expected expediency.⁹⁶

Conclusion

By accounting for constraints, as well as coercion, we glean a fuller picture of the regime's repressive patterns, and by extension, the nature of the state. Even though constraints may not halt a protest, the insinuated threat or the disheartening hindrances could be decisive for deterring public participation for some. It dictates the terms under which a protest is done, limiting the room within which protesters could manoeuvre and ultimately, the potency of the protest. Further, by virtue of its unobtrusiveness and invisibility, state actors are able to perpetuate the grand illusion of their responsiveness and benevolence. We should then be attentive to subtler varieties of repression undertaken by police authorities *and* non-coercive state agents, especially if they are likely to be widespread.

This article also suggests that popular views of the state are complex: helpful insiders, upright judges and sympathetic police officers coexist with unresponsive bureaucrats, arrogant politicians and violent thugs. Such discrepant state attitudes are

likely because the threat of environmental contention could not secure a state-wide consensus, as easily as that of politically-charged mobilization. Elsewhere, as authoritarian leaders and low-level officials grapple with the evolving activist landscape and reassess its threat, they have emitted contradictory signals toward “new” social activism.⁹⁷ State-based repression toward non-political contention then may not be a centralized and coordinated affair, as it usually is for coercion against political dissidents. How much constraints is due to the bidding of political rulers or overzealous state agents, still demands further research.

Unlike coercion that forcefully pushes its targets into submission, constraints are not immutable, allowing resourceful and tenacious activists to conjure methods to negotiate, circumvent, or subvert it. But insofar as ordinary people are critical to demonstrating “power in numbers”⁹⁸ or preserving the campaign’s momentum, constraints remain menacing enough to stifle popular contention.

		Nature of repressive effects	
		Continuous / Protracted	Discrete / One-off
Target	Persons	Ostentatious surveillance	Occupational repression
	Actions	Judicial channeling	Administrative constraints

Table 1 Constraints over environmental activism in Malaysia

Notes:

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- ¹ Repression is “any action by another group which raises the contender’s cost of collective action.” Charles Tilly, *From Mobilization to Revolution* (New York: McGraw-Hill, 1978), 100.
- ² See for example, Ming-Chee Ang, “Social Mobilization of the Underdogs: The Damansara Save Our School Movement in Malaysia,” *Pacific Affairs* 85, No.2 (2012): 313-333; Stephan Giersdorf and Aurel Croissant, “Civil Society and Competitive Authoritarianism in Malaysia,” *Journal of Civil Society* 7, No.1 (2011): 1-21; Meredith Weiss and Saliha Hassan, eds. *Social Movements in Malaysia: From Moral Communities to NGOs* (London; New York: RoutledgeCurzon, 2003). Nair’s works is an exception that considers both coercion *and* ideological constraints. Sheila Nair, “States, Societies and Societal Movements: Power and Resistance in Malaysia and Singapore” (PhD dissertation, University of Minnesota, 1995); “The Limits of Protest and Prospects for Political Reform in Malaysia,” *Critical Asian Studies* 39, No.3 (2007): 339-368;
- ³ James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven and London: Yale University Press, 1985), 35.
- ⁴ Jennifer Earl, “Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression”, *Sociological Theory* 21, No. 1, (2003): 48; Myra Marx Ferree, “Soft Repression: Ridicule, Stigma, and Silencing in Gender-based Movements,” *Research in Social Movements, Conflicts & Change* 25, (2005): 85-101.
- ⁵ A sample of this extensive literature on non-democracies includes Vincent Boudreau, *Resisting Dictatorship: Repression and Protest in Southeast Asia* (Cambridge, UK; New York: Cambridge University Press, 2004); Charles D. Brockett, “The Structure of Political Opportunities and Peasant Mobilization in Central America,” *Comparative Politics* 23, No. 3, (1991): 253-274; Maryjane Osa and Cristina Corduneanu-Huci, “Running Uphill: Political Opportunity in Non-democracies,” *Comparative Sociology* 2, No.4, (2003): 605-629; Tilly, *From Mobilization to Revolution*.
- ⁶ Though Scott discusses variants of “occupational repression” and “ostentatious surveillance” by the Special Branch (which I will analyze below) under “routine repression”, his emphasis is mainly on “coercion”. Scott, *Weapons of the Weak*, 274-278.
- ⁷ See Yanhua Deng and Kevin J. O’Brien, “Relational Repression in China: Using Social Ties to Demobilize Protesters”, *The China Quarterly* 214, (2013): 533-552; Cherian George, “Consolidating Authoritarian Rule: Calibrated Coercion in Singapore”, *The Pacific Review* 20, No. 2, (2007): 127-145;

Jothie Rajah, "Punishing Bodies, Securing the Nation: How Rule of Law can Legitimate the Urbane Authoritarian State," *Law & Social Inquiry* 36, No.4, (2011): 945-970; Andrew Wells-Dang, "Political Space in Vietnam: A View from the 'Rice-roots'", *The Pacific Review* 23, No. 1, (2010): 93-112.

⁸ This echoes the "state reflected in society" approach in Rachel Stern and Kevin J. O'Brien, "Politics at the Boundary: Mixed Signals and the Chinese State," *Modern China* 38, no. 2, (2012): 174-198. See also Lloyd I. Rudolph and John Kurt Jacobsen, eds., *Experiencing the State*, (New Delhi: Oxford University Press, 2006).

⁹ Gordon P. Means, "Soft Authoritarianism in Malaysia and Singapore." *Journal of Democracy* 7, No.4 (1996): 103-117.

¹⁰ Marzuki Mohamad, "Legal Coercion, Legal Meanings and UMNO's Legitimacy" in *Politics in Malaysia: the Malay Dimension*, ed. Edmund Terence Gomez, (New York; Oxon, UK: Routledge, 2007), 24-49.

¹¹ William Case, "Semi-democracy in Malaysia: Withstanding the Pressures for Regime Change", *Pacific Affairs* 66, No. 2, (1993): 186.

¹² Simon Barraclough, "The Dynamics of Coercion in the Malaysian Political Process", *Modern Asian Studies* 19, No. 4, (1985): 819.

¹³ One historian notes, "a strict legalism surrounded the apparatus of suppression" as colonial policy "lurched between authoritarianism and a missionary adherence to the rule of law." T.N. Harper, *The End of Empire and the Making of Malaya* (Cambridge; New York: Cambridge University Press, 1999), 378-379. See also Richard Stubbs, *Hearts and Minds in the Malayan Emergency 1948-1960*, (Singapore: Eastern Universities Press, 2004).

¹⁴ For a short background, see Gordon P.Means, *Malaysian Politics: The Second Generation* (Singapore: Oxford University Press, 1991), 211-214.

¹⁵ The court had ruled that Sosma was misapplied in the case. Siti Azielah Wahi, "Pertuduhan Khairuddin, Matthias bukan bawah Sosma" [Charge against Khairuddin, Matthias not under Sosma], *Sinar Harian*, 18 November 2015, <http://www.sinarharian.com.my/ultras/liga-malaysia/pertuduhan-khairuddin-matthias-bukan-bawah-sosma-1.452901>. Accessed 11 January 2016.

¹⁶ SUARAM, "SUARAM Human Rights Report Overview 2015," 9 December 2015, available online at <http://www.suaram.net/?p=7464>. See also Human Rights Watch, "Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia," 27 October 2015, available online at <https://www.hrw.org/report/2015/10/27/creating-culture-fear/criminalization-peaceful-expression->

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¹⁷ Dan Slater, “Iron Cage in an Iron Fist: Authoritarian Institutions and the Personalization of Power in Malaysia,” *Comparative Politics* 36, No. 1, (2003): 81-101.

¹⁸ This section draws on Jeyamalar Kathirithamby-Wells, *Nature and Nation: Forests and Development in Peninsular Malaysia* (Honolulu: University of Hawaii Press, 2005), 320-330; Nair, “States, Societies and Societal Movements,” 195-215; Sundari Ramakrishna, “The Environmental Movement in Malaysia,” in *Social Movements in Malaysia*, eds. Weiss and Saliha, 115-139.

¹⁹ Hilary Chiew, former journalist, interview by author, Petaling Jaya, 28 February 2015.

²⁰ Mageswari Sangaralingam of CAP, interview by author, Penang, 23 January 2015.

²¹ Wong Yuenmei of BSNIPAC, interview by author, Sunway City, 24 March 2015.

²² Interview with BSNIPAC member, Kuala Lumpur, 12 February 2015. Where the names of interviewees are unstated, the interviews were conducted in confidentiality.

²³ The SB is a police intelligence organization. For more on this, see below.

²⁴ S. Arutchelvan of *Parti Sosialis Malaysia* (PSM), interview by author, Kuala Lumpur, 16 January 2015; Alice Lee of BSNIPAC, interview by author, Broga, 31 January 2015.

²⁵ Lee, interview, 31 January 2015.

²⁶ Interview with BSNIPAC member, 12 February 2015; Victor Liew of BSNIPAC, interview by author, Subang Jaya, 27 February 2015.

²⁷ Interview with BSNIPAC member, 12 February 2015; Lee, interview, 31 January 2015; Wong, interview, 24 March 2015.

²⁸ Interview with BSNIPAC member, 12 February 2015.

²⁹ Li Kheng Poh, “In Search of Environmental Justice in Malaysia: The Cases of Broga and Bukit Merah” (PhD dissertation, University of Brighton, 2015), 212.

³⁰ Claudia Theophilus, “Global Anti-incinerator Petition Sent to Mahathir”, *Malaysiakini*, 2 October 2003, <https://www.malaysiakini.com/news/17299>. Accessed 25 January 2016.

³¹ Quoted in Claudia Theophilus, “Anti-incinerator Campaign Catches on”, *Malaysiakini*, 22 November 2005, <https://www.malaysiakini.com/news/43388>. Accessed 25 January 2016.

³² The Pan-Malaysian Islamic Party, an oppositional Islamist political party.

³³ Jeyapalan Mahesan, Lee’s counsel, interview by author, Petaling Jaya, 19 February 2015.

³⁴ Claudia Theophilus, “Broga Folks Press on to Save Water Catchment Area”, *Malaysiakini*, 2 December 2004, <https://www.malaysiakini.com/news/31816>. Accessed 25 January 2016.

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- ³⁵ Arutchelvan, interview, 16 January 2015. Police officers also marshalled this rhetoric to disperse environmental protesters elsewhere. They claimed, “this matter has gone to the courts, so just wait [for the decision]... (*ini hal...sudah pergi mahkamah. Tunggu sajalah...*)” citizenadd, *Anti Cyanide Protest - 8 Mac, 2009*, Youtube video, 1:47 and 3:59. Accessed 25 January 2016. <https://youtu.be/OK44-UZjBzo>.
- ³⁶ *Sub judice*, Latin for “under judicial consideration”, regulates external discussions that could prejudice ongoing legal proceedings. Politicians have been more eager than judges in enforcing *sub judice* over controversial issues. See Clara Chooi, “Not Sub Judice to Discuss NFC in Parliament, Court Ruling Shows”, *The Malaysian Insider*, 14 March 2012, <http://www.themalaysianinsider.com/malaysia/article/not-sub-judice-to-discuss-nfc-in-parliament-court-ruling-shows/>; Zedeck Siew, “Censoring with *Sub Judice*”, *The Nut Graph*, 13 April 2009, <http://www.thenutgraph.com/censoring-with-sub-judice/>. Both accessed 10 May 2015.
- ³⁷ Parliamentary Hansard, *Dewan Rakyat* (the House of Representatives), 12 October 2005. [http://www.parlimen.gov.my/files/hindex/pdf/DR-12102005\[1\].pdf#zoom=70](http://www.parlimen.gov.my/files/hindex/pdf/DR-12102005[1].pdf#zoom=70)
- ³⁸ “Broga project too costly, says Najib”, *The Star*, 8 July 2007, <http://www.thestar.com.my/news/nation/2007/07/08/broga-project-too-costly-says-najib/>. Accessed 25 January 2016.
- ³⁹ Andansura Rabu, state assemblyman, interview by author, Kuantan, 6 March 2015.
- ⁴⁰ Wong Tack, interview by author, Kuantan, 13 March 2015.
- ⁴¹ Sangaralingam, interview, 23 January 2015.
- ⁴² Andansura, interview, 6 March 2015.
- ⁴³ Bernama, “Civil Servants Advised against Joining Himpunan Hijau”, *Malaysiakini*, 23 February 2012, <http://www.malaysiakini.com/news/190000>. Accessed 21 April 2015.
- ⁴⁴ Interviews with SMSL committee member, Kuantan, 4-6 March 2015.
- ⁴⁵ Phua Kia Yaw of HH, interview by author, Kuantan, 6 March 2015.
- ⁴⁶ Interview with an academic, Kuala Lumpur, 12 March 2015; Lee Chee Hong of HH, interview by author, USJ, 24 March 2015.
- ⁴⁷ Interviews with SMSL committee member, 4-6 March 2015.
- ⁴⁸ *Guandan Huatuan Lianhehui Qingniantuan* (The Youth Association of Kuantan’s Federation of Chinese Associations) committee member, interview by author, Kuantan, 7 March 2015.
- ⁴⁹ They were registered as a company at this point, due to difficulties in registering as an NGO.

Interview with SMSL committee member, Kuantan, 11 March 2015.

50 Andansura, interview, 6 March 2015; interview with SMSL committee member, 14 March 2015.

51 Interview with SMSL committee member, Kuantan, 10 March 2015.

52 The Health Minister claimed credit for this change. Ong Han Sean, “More Time to View Lynas Papers”, *The Star*, 9 January 2012,

http://www.malaysianbar.org.my/index2.php?option=com_content&do_pdf=1&id=34644. Accessed 7 February 2015.

53 Interview with SMSL committee member, 14 March 2015.

54 Bernama, “More Time to Give Feedback on Lynas Document”, *Malaysiakini*, 17 January 2012, <http://www.malaysiakini.com/news/186820>; Monalija Bt Kostor, “AELB Keen for Public Consultation on Lynas”, *Malaysiakini*, 9 January 2012, <https://www.malaysiakini.com/letters/186074>. Both accessed 21 April 2015.

55 A national scheme that selectively drafts eighteen-year-olds to inculcate patriotism among them.

56 Quoted in Aidila Razak, “Bid to Stop Himpunan Hijau from Using Kuantan Field”, *Malaysiakini*, 22 February 2012, <http://www.malaysiakini.com/news/189887>. Accessed 21 April 2015; Lee Chean Chung, state assemblyman, interview by author, Sri Petaling, 1 March 2015.

57 Having considered any objection by local residents to the assembly, the police could still decide on its date, time, duration, and content.

58 Aidila Razak, “Cops Okay Anti-Lynas Rally at Alternative Location”, *Malaysiakini*, 24 February 2012, <http://www.malaysiakini.com/news/190143>. Accessed 21 April 2015; Mohamad Shofi Mat Isa and M. Sharinnahar, “Hijau 2.0: Kebenaran bersyarat” [Green 2.0: Conditional approval], *Utusan*, 25 February 2012,

http://ww1.utusan.com.my/utusan/info.asp?y=2012&dt=0225&pub=Utusan_Malaysia&sec=Pahang&pg=wp_01.htm. Accessed 5 February 2016.

59 See *Zakaria bin Abdullah and others v AELB and others*, 2012, R2-25-35-02/2012, 15.

60 Email communication with SMSL committee member, 6 May 2015.

61 Interview with SMSL committee member, 4-6 March 2015.

62 SUARAM, “Shut Down Lynas Protest: Police Condone Violent Thugs and Violates Freedom of Peaceful Assembly,” 24 June 2014, available online at <http://www.suaram.net/?p=6272>.

63 Personal communication with Ooi Boon Seng of HH, Kuantan, 11 March 2015.

64 citizenadd, *Anti Cyanide Protest*.

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- ⁶⁵ Lam Choong Wah of *Kuala Lumpur Tak Nak Insinerator* (Kuala Lumpur No Incinerator), interview by author, Kuala Lumpur, 2 March 2015.
- ⁶⁶ Joel S. Migdal, "The State in Society: An Approach to Struggles for Domination," in *State Power and Social Forces: Domination and Transformation in the Third World*, eds. Joel S. Migdal, Atul Kohli and Vivienne Shue, (Cambridge, UK: Cambridge University Press, 1994), 16.
- ⁶⁷ Earl, "Tanks, Tear Gas, and Taxes", 47-48.
- ⁶⁸ See Leon Comber, *Malaya's Secret Police 1945-60: The Role of the Special Branch in the Malayan Emergency* (Victoria, Australia: Monash University Press; Singapore: Institute of Southeast Asian Studies, 2008).
- ⁶⁹ Zakaria Haji Ahmad, "The Police and Political Development in Malaysia: Change, Continuity, and Institution-building of a 'Coercive' Apparatus in a Developing, Ethnically Divided Society" (PhD dissertation, Massachusetts Institute of Technology, 1977), 101, 160. An ex-SB officer's memoirs show political elites could override his advice. Tim Hardy, *The Reluctant Imperialist: An Adventurous Life in Colonial Malaya, Africa, Fiji and Hong Kong* (Singapore: Marshall Cavendish Editions, 2009), 312-313.
- ⁷⁰ S. Husin Ali, *Two Faces: Detention without Trial* (Kuala Lumpur: INSAN, 1996), 110. For a parallel account by a former ISA detainee in Singapore, see Francis T. Seow, *To Catch a Tartar: A Dissident in Lee Kuan Yew's Prison* (New Haven, Connecticut: Yale University Southeast Asia Studies, 1994).
- ⁷¹ Jules Boykoff, "Limiting Dissent: the Mechanisms of State Repression in the USA," *Social Movement Studies* 6, No. 3, (2007): 301; Scott, *Weapons of the Weak*, 328, fn.53.
- ⁷² See Christian Davenport, "Understanding Covert Repressive Action: The Case of the U.S. Government against the Republic of New Africa," *Journal of Conflict Resolution* 49, No. 1, (2005): 120-140; Gary Marx, "Thoughts on a Neglected Category of Social Movement Participant: The Agent Provocateur and the Informant," *American Journal of Sociology* 80, No. 2, (1974): 402-42.
- ⁷³ Amory Starr, Luis A. Fernandez, Randall Amster, Lesley J. Wood, and Manuel J. Caro, "The Impacts of State Surveillance on Political Assembly and Association: a Socio-legal Analysis," *Qualitative Sociology* 31, No. 3, (2008): 251-70.
- ⁷⁴ Lynette J. Chua, *Mobilizing Gay Singapore: Rights and Resistance in an Authoritarian State*, (Philadelphia, Pennsylvania: Temple University Press, 2014), 102-103.
- ⁷⁵ Interview with a protester, Xiamen, China, 10 October 2015.

⁷⁶ Robert Ballagh, “1916 and All That – A Personal Memoir,” 21 April 2006, available online at http://www.theirelandinstitute.com/institute/p01-ballagh_memoir_page.html.

⁷⁷ A former UMNO leader’s memoirs imply that this is a common SB strategy. Interestingly, his relationship with a high-ranking SB officer extracted genuine sympathies for his personal plight. Mustapha Hussain, *Malay Nationalism before UMNO: The Memoirs of Mustapha Hussain* (Kuala Lumpur: Utusan Publications & Distributors, 2005), 133, 378.

⁷⁸ Similarly, Singaporean gay activists did not confront the police, seeing them instead as “simply doing their jobs”. Chua, *Mobilizing Gay Singapore*, 103.

⁷⁹ Marzuki, “Legal Coercion”. For environmental controversies, see Mike Ichihara and Andrew Harding, “Human Rights, the Environment and Radioactive Waste: a Study of the Asian Rare Earth Case in Malaysia,” *Review of European Community & International Environmental Law* 4, No. 1, (1995): 1-14.

⁸⁰ Raman’s “judicial repression”, however, discusses lawsuits by corporations against environmentalists. Meena Raman, “Malaysia: Eco-activists Combat Judicial Repression,” *Chain Reaction*, November 2014, 14-15.

⁸¹ John D. McCarthy, David W. Britt, and Mark Wolfson, “The Institutional Channeling of Social Movements by the State in the United States”, *Research in Social Movements, Conflicts and Change* 13, no. 2, (1991): 45-76.

⁸² Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970, 2nd edition*, (Chicago: Chicago University Press, 1999), 26.

⁸³ Arutchelvan, interview, 16 January 2015.

⁸⁴ Malcolm Feeley, *The Process is the Punishment*, (New York: Russell Sage Foundation, 1979).

⁸⁵ Andrew Loh, “AG’s Definition of ‘Sub Judice’ Called into Question”, *The Online Citizen*, 20 June 2015, <http://www.theonlinecitizen.com/2015/06/ags-definition-of-sub-judice-called-into-question/>; Francis T. Seow, “The Politics of Judicial Institutions in Singapore,” *Singapore Window*. <http://www.singapore-window.org/1028judi.htm>. Both accessed 9 February 2016.

⁸⁶ Karl Marx, *Capital, Vol 1* (Harmondsworth: Penguin, 1970), 737, cited in Scott, *Weapons of the Weak*, 246.

⁸⁷ Deng and O’Brien, ‘Relational Repression in China’, 543.

⁸⁸ Lam, interview, 2 March 2015.

⁸⁹ To pressure organizers of an event, the Irish SB suggested to their employers that they were

“involved in subversive activities”. Ballagh, “1916 and All That”.

⁹⁰ Jothie Rajah and Arun K. Thiruvengadam, “Of Absences, Masks and Exceptions: Cause Lawyering in Singapore,” *Wisconsin International Law Journal* 31, No.3, (2013): 657.

⁹¹ Chua, *Mobilizing Gay Singapore*, 106-107.

⁹² See Lim Hong Hai, “Electoral Politics in Malaysia: ‘Managing’ Elections in a Plural Society,” in *Electoral Politics in Southeast and East Asia*, eds., Aurel Croissant, Gabriele Bruns, and Marei John, (Singapore: Friedrich Ebert Stiftung, 2002), 101-48.

⁹³ Fong Tian Yong, formerly of the Ministry of Housing and Local Government, interview by author, Kuala Lumpur, 16 February 2015; interview with an official of the Ministry of Energy, Green Technology and Water, Putrajaya, 18 December 2015.

⁹⁴ Nurul Nadia Mohd Kamaruzaman, “MPK tak wajar halang Himpunan Hijau Ahad ini” [MPK should not stop Green Assembly this Sunday], *Sinar Harian*, 22 February 2012,

<http://www.sinarharian.com.my/politik/mpk-tak-wajar-halang-himpunan-hijau-ahad-ini-1.25986>.

Accessed 10 February 2016.

⁹⁵ Bernama, “Civil Servants Advised”; Utusan Malaysia, “Pahang tidak halang Himpunan Hijau – MB” [Pahang does not stop Green Assembly – Chief Minister], *Human Rights Commission of Malaysia*, 15 February 2012, <http://www.suhakam.org.my/v2/wp-content/uploads/2014/01/Pahang-tidak-halang-Himpunan-Hijau-MB.pdf>. Accessed 5 February 2016.

⁹⁶ Similarly, Oliver argues for considering mass incarceration as a form of repression, given its *indirect* demobilization effect upon the civil rights movement. Pamela E. Oliver, “Repression and Crime Control: Why Social Movement Scholars should Pay Attention to Mass Incarceration as a Form of Repression”, *Mobilization* 13, no. 1, (2008):1–24

⁹⁷ Chua, *Mobilizing Gay Singapore*; Andrew Mertha, *China’s Water Warriors: Citizen Action and Policy Change* (Ithaca, NY: Cornell University Press, 2008).

⁹⁸ James DeNardo, *Power in Numbers: The Political Strategy of Protest and Rebellion* (Princeton, NJ: Princeton University Press, 1985).